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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,143	09/10/2003	Michael Joseph Washburn	137993	3038
7590	06/27/2005		EXAMINER	
Dean D. Small Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			JAWORSKI, FRANCIS J	
			ART UNIT	PAPER NUMBER
			3737	
DATE MAILED: 06/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

JP

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/659,143	WASHBURN ET AL.
	Examiner Jaworski Francis J.	Art Unit 3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3-15-04 IDS.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-15-04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Short (5161535), see col. 3 line 20-col. 4 line 6..

Claims 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (US5544654) which is directed to assumption of menu subgrouping control of ultrasound system functions using voice command in place of conventional keyboard entry controls.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short as argued against claim 1 above, further in view of Snider (US5553620) alone or further in view of Greenberg (US6514201). Snider asserts the basic equivalence of touch commands as in Short to voice commands, whereas Greenberg

extends to hierarchical sets of commands controlled by voice in operating the ultrasound imaging system.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Short as applied to claim1 above, and further in view of Uehara (US6485421), since the latter teaches that lookup tables 334-338 may be used to effect control commands of an ultrasound imaging system using a database.( Uehara further suggests a tabbed mode selection scheme, see Fig. 12).

.The following additional art is cited as of interest:

Chalek (US5853367) directed to voice command control of the ultrasound system host processor CPU. Ogasawara (US6773398) directed to menu M1, M2 execution under switched control, see Figs. 7-12. Kinicki (US5315999) directed to menu controls based upon preset modes. Vara (US6063030) and related Scott et al (US6468212) directed to a virtual control interface for controlling separate ultrasound system functions via multi-level hierarchical menus. Weisman (US6674879), McCabe 5868676 (Fig. 5) and Makinen (US6760890) are directed to menu-driven user interfaces for ultrasound or analogous medical imaging systems.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

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Francis J. Jaworski  
Primary Examiner